

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 10333478/PCT	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/005803	International filing date (day/month/year) 28.05.2004	Priority date (day/month/year) 22.07.2003
International Patent Classification (IPC) or national classification and IPC C0F11/14		
Applicant STOCKHAUSEN GMBH		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.
3.	This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4.	This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input checked="" type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:

- ☐ international search (Rule 12.3 and 23.1(b))
☐ publication of the international application (Rule 12.4)
☐ international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☐ the international application as originally filed/furnished

☒ the description:

pages 1-15 as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☒ the claims:

nos. 1-22 as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19

nos.* _____ received by this Authority on _____

nos.* _____ received by this Authority on _____

☐ the drawings:

sheets _____ as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (specify): _____

☐ any table(s) related to sequence listing (specify): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (specify): _____

☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-20	YES
	Claims	21, 22	NO
Inventive step (IS)	Claims		YES
	Claims	1-22	NO
Industrial applicability (IA)	Claims	1-22	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

1. This report makes reference to the following documents:

D1: US-A-5462672

D2: EP-A-0500199

2. The subject matter of claims 21 and 22 does not meet the requirements of PCT Article 33(2) for novelty.

- 2.a D1 discloses a sludge dewatering process: sludge density is first set by water admixture to a value between 1.15 and 1.35. Water admixture is controlled by a measuring device (column 4, lines 49-57). An inorganic and a polymer anionic flocculant are then incorporated, and the sludge is led to a dewatering machine (25) (column 5, lines 46-53; column 6, lines 48-55). The dried sludge is then carried away (column 6, line 60). The anionic polymer flocculant used in D1 is partially hydrolysed polyacrylamide (column 8, lines 22-45).

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>The sludge described in D1 is bentonite or cement sludge (column 1, line 12).</p> <p>The subject matter of independent claim 1 of the application does not exclude the admixture of flocculants other than anionic polymers.</p> <p>It has not been demonstrated that the sludge according to the application, which is produced by drying on dewatering fields, differs from the sludge according to D1, which was produced by mechanical dewatering. Since a product does not become novel because it was produced by a different process, D1 is prejudicial to the novelty of the subject matter of claim 21.</p> <p>2.b D2 discloses a process for transforming sediments from bodies of water into building materials. For that purpose, 4-15% kaolinic powdered clay is added (claim 1). The sludge according to the application has not been shown to possess a special structure. Since a product does not become novel because it was produced by a different process, D2 anticipates the subject matter of claims 21 and 22.</p> <p>3. The subject matter of claims 1-22 does not meet the requirements of PCT Article 33(3) for inventive step.</p> <p>3.a The only difference between claim 1 of the present application and D1 is the drying of the sludge in</p>

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the dewatering field.

The problem addressed can be considered to be that of providing an alternative drying process.

Sludge drying in dewatering fields is well known to a person skilled in the art, as mentioned in the description of the application and confirmed in the applicant's letter.

It therefore appears obvious that a person skilled in the art would also consider drying the sludge in dewatering fields in order to solve the stated problem. The subject matter of claim 1 therefore cannot be considered inventive.

- 3.b Dependent claims 2-20 do not appear to contain any additional features which, in combination with the features of any claim to which they refer, meet the PCT inventive step requirements, since they are either known from D1 and D2 or belong to the general professional knowledge of a person skilled in the art.

D2 already described the natural drying by evaporation, promoted by mechanical shifting followed by the admixture of powdered clay. The inclusion of these steps in the process according to D1 in order to produce building materials appears to be obvious.

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Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

4. Contrary to PCT Rule 5.1(a)(ii), the description does not cite document D1 or indicate the relevant prior art disclosed therein.